

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Section 13-506.2 as follows:

6 (220 ILCS 5/13-506.2)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 13-506.2. Market regulation for competitive retail
9 services.

10 (a) Definitions. As used in this Section:

11 (1) "Electing Provider" means a telecommunications
12 carrier that is subject to either rate regulation pursuant
13 to Section 13-504 or Section 13-505 or alternative
14 regulation pursuant to Section 13-506.1 and that elects to
15 have the rates, terms, and conditions of its competitive
16 retail telecommunications services solely determined and
17 regulated pursuant to the terms of this Article.

18 (2) "Basic local exchange service" means either a
19 stand-alone residence network access line and per-call
20 usage or, for any geographic area in which such
21 stand-alone service is not offered, a stand-alone flat
22 rate residence network access line for which local calls
23 are not charged for frequency or duration. Extended Area

1 Service shall be included in basic local exchange service.

2 (3) "Existing customer" means a residential customer
3 who was subscribing to one of the optional packages
4 described in subsection (d) of this Section as of the
5 effective date of this amendatory Act of the 99th General
6 Assembly. A customer who was subscribing to one of the
7 optional packages on that date but stops subscribing
8 thereafter shall not be considered an "existing customer"
9 as of the date the customer stopped subscribing to the
10 optional package, unless the stoppage is temporary and
11 caused by the customer changing service address locations,
12 or unless the customer resumes subscribing and is eligible
13 to receive discounts on monthly telephone service under
14 the federal Lifeline program, 47 C.F.R. Part 54, Subpart
15 E.

16 (4) "New customer" means a residential customer who
17 was not subscribing to one of the optional packages
18 described in subsection (d) of this Section as of the
19 effective date of this amendatory Act of the 99th General
20 Assembly and who is eligible to receive discounts on
21 monthly telephone service under the federal Lifeline
22 program, 47 C.F.R. Part 54, Subpart E.

23 (b) Election for market regulation. Notwithstanding any
24 other provision of this Act, an Electing Provider may elect to
25 have the rates, terms, and conditions of its competitive
26 retail telecommunications services solely determined and

1 regulated pursuant to the terms of this Section by filing
2 written notice of its election for market regulation with the
3 Commission. The notice of election shall designate the
4 geographic area of the Electing Provider's service territory
5 where the market regulation shall apply, either on a
6 state-wide basis or in one or more specified Market Service
7 Areas ("MSA") or Exchange areas. An Electing Provider shall
8 not make an election for market regulation under this Section
9 unless it commits in its written notice of election for market
10 regulation to fulfill the conditions and requirements in this
11 Section in each geographic area in which market regulation is
12 elected. Immediately upon filing the notice of election for
13 market regulation, the Electing Provider shall be subject to
14 the jurisdiction of the Commission to the extent expressly
15 provided in this Section.

16 (c) Competitive classification. Market regulation shall be
17 available for competitive retail telecommunications services
18 as provided in this subsection.

19 (1) For geographic areas in which telecommunications
20 services provided by the Electing Provider were classified
21 as competitive either through legislative action or a
22 tariff filing pursuant to Section 13-502 prior to January
23 1, 2010, and that are included in the Electing Provider's
24 notice of election pursuant to subsection (b) of this
25 Section, such services, and all recurring and nonrecurring
26 charges associated with, related to or used in connection

1 with such services, shall be classified as competitive
2 without further Commission review. For services classified
3 as competitive pursuant to this subsection, the
4 requirements or conditions in any order or decision
5 rendered by the Commission pursuant to Section 13-502
6 prior to the effective date of this amendatory Act of the
7 96th General Assembly, except for the commitments made by
8 the Electing Provider in such order or decision concerning
9 the optional packages required in subsection (d) of this
10 Section and basic local exchange service as defined in
11 this Section, shall no longer be in effect and no
12 Commission investigation, review, or proceeding under
13 Section 13-502 shall be continued, conducted, or
14 maintained with respect to such services, charges,
15 requirements, or conditions. If an Electing Provider has
16 ceased providing optional packages to customers pursuant
17 to subdivision (d)(8) of this Section, the commitments
18 made by the Electing Provider in such order or decision
19 concerning the optional packages under subsection (d) of
20 this Section shall no longer be in effect and no
21 Commission investigation, review, or proceeding under
22 Section 13-502 shall be continued, conducted, or
23 maintained with respect to such packages.

24 (2) For those geographic areas in which residential
25 local exchange telecommunications services have not been
26 classified as competitive as of the effective date of this

1 amendatory Act of the 96th General Assembly, all
2 telecommunications services provided to residential and
3 business end users by an Electing Provider in the
4 geographic area that is included in its notice of election
5 pursuant to subsection (b) shall be classified as
6 competitive for purposes of this Article without further
7 Commission review.

8 (3) If an Electing Provider was previously subject to
9 alternative regulation pursuant to Section 13-506.1 of
10 this Article, the alternative regulation plan shall
11 terminate in whole for all services subject to that plan
12 and be of no force or effect, without further Commission
13 review or action, when the Electing Provider's residential
14 local exchange telecommunications service in each MSA in
15 its telecommunications service area in the State has been
16 classified as competitive pursuant to either subdivision
17 (c) (1) or (c) (2) of this Section.

18 (4) The service packages described in Section 13-518
19 shall be classified as competitive for purposes of this
20 Section if offered by an Electing Provider in a geographic
21 area in which local exchange telecommunications service
22 has been classified as competitive pursuant to either
23 subdivision (c) (1) or (c) (2) of this Section.

24 (5) Where a service, or its functional equivalent, or
25 a substitute service offered by a carrier that is not an
26 Electing Provider or the incumbent local exchange carrier

1 for that area is also being offered by an Electing
2 Provider for some identifiable class or group of customers
3 in an exchange, group of exchanges, or some other clearly
4 defined geographical area, the service offered by a
5 carrier that is not an Electing Provider or the incumbent
6 local exchange carrier for that area shall be classified
7 as competitive without further Commission review.

8 (6) Notwithstanding any other provision of this Act,
9 retail telecommunications services classified as
10 competitive pursuant to Section 13-502 or subdivision
11 (c)(5) of this Section shall have their rates, terms, and
12 conditions solely determined and regulated pursuant to the
13 terms of this Section in the same manner and to the same
14 extent as the competitive retail telecommunications
15 services of an Electing Provider, except that subsections
16 (d), (g), and (j) of this Section shall not apply to a
17 carrier that is not an Electing Provider or to the
18 competitive telecommunications services of a carrier that
19 is not an Electing Provider. The access services of a
20 carrier that is not an Electing Provider shall remain
21 subject to Section 13-900.2. The requirements in
22 subdivision (e)(3) of this Section shall not apply to
23 retail telecommunications services classified as
24 competitive pursuant to Section 13-502 or subdivision
25 (c)(5) of this Section, except that, upon request from the
26 Commission, the telecommunications carrier providing

1 competitive retail telecommunications services shall
2 provide a report showing the number of credits and
3 exemptions for the requested time period.

4 (d) Consumer choice safe harbor options.

5 (1) Subject to subdivision (d)(8) of this Section, an
6 Electing Provider in each of the MSA or Exchange areas
7 classified as competitive pursuant to subdivision (c)(1)
8 or (c)(2) of this Section shall offer to all residential
9 customers who choose to subscribe the following optional
10 packages of services priced at the same rate levels in
11 effect on January 1, 2010:

12 (A) A basic package, which shall consist of a
13 stand-alone residential network access line and 30
14 local calls. If the Electing Provider offers a
15 stand-alone residential access line and local usage on
16 a per call basis, the price for the basic package shall
17 be the Electing Provider's applicable price in effect
18 on January 1, 2010 for the sum of a residential access
19 line and 30 local calls, additional calls over 30
20 calls shall be provided at the current per call rate.
21 However, this basic package is not required if
22 stand-alone residential network access lines or
23 per-call local usage are not offered by the Electing
24 Provider in the geographic area on January 1, 2010 or
25 if the Electing Provider has not increased its
26 stand-alone network access line and local usage rates,

1 including Extended Area Service rates, since January
2 1, 2010.

3 (B) An extra package, which shall consist of
4 residential basic local exchange network access line
5 and unlimited local calls. The price for the extra
6 package shall be the Electing Provider's applicable
7 price in effect on January 1, 2010 for a residential
8 access line with unlimited local calls.

9 (C) A plus package, which shall consist of
10 residential basic local exchange network access line,
11 unlimited local calls, and the customer's choice of 2
12 vertical services offered by the Electing Provider.
13 The term "vertical services" as used in this
14 subsection, includes, but is not limited to, call
15 waiting, call forwarding, 3-way calling, caller ID,
16 call tracing, automatic callback, repeat dialing, and
17 voicemail. The price for the plus package shall be the
18 Electing Provider's applicable price in effect on
19 January 1, 2010 for the sum of a residential access
20 line with unlimited local calls and 2 times the
21 average price for the vertical features included in
22 the package.

23 (2) Subject to subdivision (d)(8) of this Section, for
24 those geographic areas in which local exchange
25 telecommunications services were classified as competitive
26 on the effective date of this amendatory Act of the 96th

1 General Assembly, an Electing Provider in each such MSA or
2 Exchange area shall be subject to the same terms and
3 conditions as provided in commitments made by the Electing
4 Provider in connection with such previous competitive
5 classifications, which shall apply with equal force under
6 this Section, except as follows: (i) the limits on price
7 increases on the optional packages required by this
8 Section shall be extended consistent with subsection
9 (d)(1) of this Section and (ii) the price for the extra
10 package required by subsection (d)(1)(B) shall be reduced
11 by one dollar from the price in effect on January 1, 2010.
12 In addition, if an Electing Provider obtains a competitive
13 classification pursuant to subsection (c)(1) and (c)(2),
14 the price for the optional packages shall be determined in
15 such area in compliance with subsection (d)(1), except the
16 price for the plus package required by subsection (d)(1)
17 (C) shall be the lower of the price for such area or the
18 price of the plus package in effect on January 1, 2010 for
19 areas classified as competitive pursuant to subsection
20 (c)(1).

21 (3) To the extent that the requirements in Section
22 13-518 applied to a telecommunications carrier prior to
23 the effective date of this Section and that
24 telecommunications carrier becomes an Electing Provider in
25 accordance with the provisions of this Section, the
26 requirements in Section 13-518 shall cease to apply to

1 that Electing Provider in those geographic areas included
2 in the Electing Provider's notice of election pursuant to
3 subsection (b) of this Section.

4 (4) Subject to subdivision (d)(8) of this Section, an
5 Electing Provider shall make the optional packages
6 required by this subsection and stand-alone residential
7 network access lines and local usage, where offered,
8 readily available to the public by providing information,
9 in a clear manner, to residential customers. Information
10 shall be made available on a website, and an Electing
11 Provider shall provide notification to its customers every
12 6 months, provided that notification may consist of a bill
13 page message that provides an objective description of the
14 safe harbor options that includes a telephone number and
15 website address where the customer may obtain additional
16 information about the packages from the Electing Provider.
17 The optional packages shall be offered on a monthly basis
18 with no term of service requirement. An Electing Provider
19 shall allow online electronic ordering of the optional
20 packages and stand-alone residential network access lines
21 and local usage, where offered, on its website in a manner
22 similar to the online electronic ordering of its other
23 residential services.

24 (5) Subject to subdivision (d)(8) of this Section, an
25 Electing Provider shall comply with the Commission's
26 existing rules, regulations, and notices in Title 83, Part

1 735 of the Illinois Administrative Code when offering or
2 providing the optional packages required by this
3 subsection (d) and stand-alone residential network access
4 lines.

5 (6) Subject to subdivision (d)(8) of this Section, an
6 Electing Provider shall provide to the Commission
7 semi-annual subscribership reports as of June 30 and
8 December 31 that contain the number of its customers
9 subscribing to each of the consumer choice safe harbor
10 packages required by subsection (d)(1) of this Section and
11 the number of its customers subscribing to retail
12 residential basic local exchange service as defined in
13 subsection (a)(2) of this Section. The first semi-annual
14 reports shall be made on April 1, 2011 for December 31,
15 2010, and on September 1, 2011 for June 30, 2011, and
16 semi-annually on April 1 and September 1 thereafter. Such
17 subscribership information shall be accorded confidential
18 and proprietary treatment upon request by the Electing
19 Provider.

20 (7) The Commission shall have the power, after notice
21 and hearing as provided in this Article, upon complaint or
22 upon its own motion, to take corrective action if the
23 requirements of this Section are not complied with by an
24 Electing Provider.

25 (8) On and after the effective date of this amendatory
26 Act of the 99th General Assembly, an Electing Provider

1 shall continue to offer and provide the optional packages
2 described in this subsection (d) to existing customers and
3 new customers. On and after July 1, 2017, an Electing
4 Provider may immediately stop offering the optional
5 packages described in this subsection (d) and, upon
6 providing two notices to affected customers and to the
7 Commission, may stop providing the optional packages
8 described in this subsection (d) to all customers who
9 subscribe to one of the optional packages. The first
10 notice shall be provided at least 90 days before the date
11 upon which the Electing Provider intends to stop providing
12 the optional packages, and the second notice must be
13 provided at least 30 days before that date. The first
14 notice shall not be provided prior to July 1, 2017. Each
15 notice must identify the date on which the Electing
16 Provider intends to stop providing the optional packages,
17 at least one alternative service available to the
18 customer, and a telephone number by which the customer may
19 contact a service representative of the Electing Provider.
20 After July 1, 2017 with respect to new customers, and upon
21 the expiration of the second notice period with respect to
22 customers who were subscribing to one of the optional
23 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),
24 (d)(6), and (d)(7) of this Section shall not apply to the
25 Electing Provider. Notwithstanding any other provision of
26 this Article, an Electing Provider that has ceased

1 providing the optional packages under this subdivision
2 (d)(8) is not subject to Section 13-301(1)(c) of this Act.
3 Notwithstanding any other provision of this Act, and
4 subject to subdivision (d)(7) of this Section, the
5 Commission's authority over the discontinuance of the
6 optional packages described in this subsection (d) by an
7 Electing Provider shall be governed solely by this
8 subsection (d)(8).

9 (e) Service quality and customer credits for basic local
10 exchange service.

11 (1) An Electing Provider shall meet the following
12 service quality standards in providing basic local
13 exchange service, which for purposes of this subsection
14 (e), includes both basic local exchange service and any
15 consumer choice safe harbor options that may be required
16 by subsection (d) of this Section.

17 (A) Install basic local exchange service within 5
18 business days after receipt of an order from the
19 customer unless the customer requests an installation
20 date that is beyond 5 business days after placing the
21 order for basic service and to inform the customer of
22 the Electing Provider's duty to install service within
23 this timeframe. If installation of service is
24 requested on or by a date more than 5 business days in
25 the future, the Electing Provider shall install
26 service by the date requested.

1 (B) Restore basic local exchange service for the
2 customer within 30 hours after receiving notice that
3 the customer is out of service.

4 (C) Keep all repair and installation appointments
5 for basic local exchange service if a customer
6 premises visit requires a customer to be present. The
7 appointment window shall be either a specific time or,
8 at a maximum, a 4-hour time block during evening,
9 weekend, and normal business hours.

10 (D) Inform a customer when a repair or
11 installation appointment requires the customer to be
12 present.

13 (2) Customers shall be credited by the Electing
14 Provider for violations of basic local exchange service
15 quality standards described in subdivision (e)(1) of this
16 Section. The credits shall be applied automatically on the
17 statement issued to the customer for the next monthly
18 billing cycle following the violation or following the
19 discovery of the violation. The next monthly billing cycle
20 following the violation or the discovery of the violation
21 means the billing cycle immediately following the billing
22 cycle in process at the time of the violation or discovery
23 of the violation, provided the total time between the
24 violation or discovery of the violation and the issuance
25 of the credit shall not exceed 60 calendar days. The
26 Electing Provider is responsible for providing the credits

1 and the customer is under no obligation to request such
2 credits. The following credits shall apply:

3 (A) If an Electing Provider fails to repair an
4 out-of-service condition for basic local exchange
5 service within 30 hours, the Electing Provider shall
6 provide a credit to the customer. If the service
7 disruption is for more than 30 hours, but not more than
8 48 hours, the credit must be equal to a pro-rata
9 portion of the monthly recurring charges for all basic
10 local exchange services disrupted. If the service
11 disruption is for more than 48 hours, but not more than
12 72 hours, the credit must be equal to at least 33% of
13 one month's recurring charges for all local services
14 disrupted. If the service disruption is for more than
15 72 hours, but not more than 96 hours, the credit must
16 be equal to at least 67% of one month's recurring
17 charges for all basic local exchange services
18 disrupted. If the service disruption is for more than
19 96 hours, but not more than 120 hours, the credit must
20 be equal to one month's recurring charges for all
21 basic local exchange services disrupted. For each day
22 or portion thereof that the service disruption
23 continues beyond the initial 120-hour period, the
24 Electing Provider shall also provide an additional
25 credit of \$20 per calendar day.

26 (B) If an Electing Provider fails to install basic

1 local exchange service as required under subdivision
2 (e) (1) of this Section, the Electing Provider shall
3 waive 50% of any installation charges, or in the
4 absence of an installation charge or where
5 installation is pursuant to the Link Up program, the
6 Electing Provider shall provide a credit of \$25. If an
7 Electing Provider fails to install service within 10
8 business days after the service application is placed,
9 or fails to install service within 5 business days
10 after the customer's requested installation date, if
11 the requested date was more than 5 business days after
12 the date of the order, the Electing Provider shall
13 waive 100% of the installation charge, or in the
14 absence of an installation charge or where
15 installation is provided pursuant to the Link Up
16 program, the Electing Provider shall provide a credit
17 of \$50. For each day that the failure to install
18 service continues beyond the initial 10 business days,
19 or beyond 5 business days after the customer's
20 requested installation date, if the requested date was
21 more than 5 business days after the date of the order,
22 the Electing Provider shall also provide an additional
23 credit of \$20 per calendar day until the basic local
24 exchange service is installed.

25 (C) If an Electing Provider fails to keep a
26 scheduled repair or installation appointment when a

1 customer premises visit requires a customer to be
2 present as required under subdivision (e)(1) of this
3 Section, the Electing Provider shall credit the
4 customer \$25 per missed appointment. A credit required
5 by this subdivision does not apply when the Electing
6 Provider provides the customer notice of its inability
7 to keep the appointment no later than 8:00 pm of the
8 day prior to the scheduled date of the appointment.

9 (D) Credits required by this subsection do not
10 apply if the violation of a service quality standard:

11 (i) occurs as a result of a negligent or
12 willful act on the part of the customer;

13 (ii) occurs as a result of a malfunction of
14 customer-owned telephone equipment or inside
15 wiring;

16 (iii) occurs as a result of, or is extended
17 by, an emergency situation as defined in 83 Ill.
18 Adm. Code 732.10;

19 (iv) is extended by the Electing Provider's
20 inability to gain access to the customer's
21 premises due to the customer missing an
22 appointment, provided that the violation is not
23 further extended by the Electing Provider;

24 (v) occurs as a result of a customer request
25 to change the scheduled appointment, provided that
26 the violation is not further extended by the

1 Electing Provider;

2 (vi) occurs as a result of an Electing
3 Provider's right to refuse service to a customer
4 as provided in Commission rules; or

5 (vii) occurs as a result of a lack of
6 facilities where a customer requests service at a
7 geographically remote location, where a customer
8 requests service in a geographic area where the
9 Electing Provider is not currently offering
10 service, or where there are insufficient
11 facilities to meet the customer's request for
12 service, subject to an Electing Provider's
13 obligation for reasonable facilities planning.

14 (3) Each Electing Provider shall provide to the
15 Commission on a quarterly basis and in a form suitable for
16 posting on the Commission's website in conformance with
17 the rules adopted by the Commission and in effect on April
18 1, 2010, a public report that includes the following data
19 for basic local exchange service quality of service:

20 (A) With regard to credits due in accordance with
21 subdivision (e) (2) (A) as a result of out-of-service
22 conditions lasting more than 30 hours:

23 (i) the total dollar amount of any customer
24 credits paid;

25 (ii) the number of credits issued for repairs
26 between 30 and 48 hours;

1 (iii) the number of credits issued for repairs
2 between 49 and 72 hours;

3 (iv) the number of credits issued for repairs
4 between 73 and 96 hours;

5 (v) the number of credits used for repairs
6 between 97 and 120 hours;

7 (vi) the number of credits issued for repairs
8 greater than 120 hours; and

9 (vii) the number of exemptions claimed for
10 each of the categories identified in subdivision
11 (e) (2) (D).

12 (B) With regard to credits due in accordance with
13 subdivision (e) (2) (B) as a result of failure to
14 install basic local exchange service:

15 (i) the total dollar amount of any customer
16 credits paid;

17 (ii) the number of installations after 5
18 business days;

19 (iii) the number of installations after 10
20 business days;

21 (iv) the number of installations after 11
22 business days; and

23 (v) the number of exemptions claimed for each
24 of the categories identified in subdivision
25 (e) (2) (D).

26 (C) With regard to credits due in accordance with

1 subdivision (e) (2) (C) as a result of missed
2 appointments:

3 (i) the total dollar amount of any customer
4 credits paid;

5 (ii) the number of any customers receiving
6 credits; and

7 (iii) the number of exemptions claimed for
8 each of the categories identified in subdivision
9 (e) (2) (D).

10 (D) The Electing Provider's annual report required
11 by this subsection shall also include, for
12 informational reporting, the performance data
13 described in subdivisions (e) (2) (A), (e) (2) (B), and
14 (e) (2) (C), and trouble reports per 100 access lines
15 calculated using the Commission's existing applicable
16 rules and regulations for such measures, including the
17 requirements for service standards established in this
18 Section.

19 (4) It is the intent of the General Assembly that the
20 service quality rules and customer credits in this
21 subsection (e) of this Section and other enforcement
22 mechanisms, including fines and penalties authorized by
23 Section 13-305, shall apply on a nondiscriminatory basis
24 to all Electing Providers. Accordingly, notwithstanding
25 any provision of any service quality rules promulgated by
26 the Commission, any alternative regulation plan adopted by

1 the Commission, or any other order of the Commission, any
2 Electing Provider that is subject to any other order of
3 the Commission and that violates or fails to comply with
4 the service quality standards promulgated pursuant to this
5 subsection (e) or any other order of the Commission shall
6 not be subject to any fines, penalties, customer credits,
7 or enforcement mechanisms other than such fines or
8 penalties or customer credits as may be imposed by the
9 Commission in accordance with the provisions of this
10 subsection (e) and Section 13-305, which are to be
11 generally applicable to all Electing Providers. The amount
12 of any fines or penalties imposed by the Commission for
13 failure to comply with the requirements of this subsection
14 (e) shall be an appropriate amount, taking into account,
15 at a minimum, the Electing Provider's gross annual
16 intrastate revenue; the frequency, duration, and
17 recurrence of the violation; and the relative harm caused
18 to the affected customers or other users of the network.
19 In imposing fines and penalties, the Commission shall take
20 into account compensation or credits paid by the Electing
21 Provider to its customers pursuant to this subsection (e)
22 in compensation for any violation found pursuant to this
23 subsection (e), and in any event the fine or penalty shall
24 not exceed an amount equal to the maximum amount of a civil
25 penalty that may be imposed under Section 13-305.

26 (5) An Electing Provider in each of the MSA or

1 Exchange areas classified as competitive pursuant to
2 subsection (c) of this Section shall fulfill the
3 requirements in subdivision (e)(3) of this Section for 3
4 years after its notice of election becomes effective.
5 After such 3 years, the requirements in subdivision (e)(3)
6 of this Section shall not apply to such Electing Provider,
7 except that, upon request from the Commission, the
8 Electing Provider shall provide a report showing the
9 number of credits and exemptions for the requested time
10 period.

11 (f) Commission jurisdiction over competitive retail
12 telecommunications services. Except as otherwise expressly
13 stated in this Section, the Commission shall thereafter have
14 no jurisdiction or authority over any aspect of competitive
15 retail telecommunications service of an Electing Provider in
16 those geographic areas included in the Electing Provider's
17 notice of election pursuant to subsection (b) of this Section
18 or of a retail telecommunications service classified as
19 competitive pursuant to Section 13-502 or subdivision (c)(5)
20 of this Section, heretofore subject to the jurisdiction of the
21 Commission, including but not limited to, any requirements of
22 this Article related to the terms, conditions, rates, quality
23 of service, availability, classification or any other aspect
24 of any competitive retail telecommunications services. No
25 telecommunications carrier shall commit any unfair or
26 deceptive act or practice in connection with any aspect of the

1 offering or provision of any competitive retail
2 telecommunications service. Nothing in this Article shall
3 limit or affect any provisions in the Consumer Fraud and
4 Deceptive Business Practices Act with respect to any unfair or
5 deceptive act or practice by a telecommunications carrier.

6 (g) Commission authority over access services upon
7 election for market regulation.

8 (1) As part of its Notice of Election for Market
9 Regulation, the Electing Provider shall reduce its
10 intrastate switched access rates to rates no higher than
11 its interstate switched access rates in 4 installments.
12 The first reduction must be made 30 days after submission
13 of its complete application for Notice of Election for
14 Market Regulation, and the Electing Provider must reduce
15 its intrastate switched access rates by an amount equal to
16 33% of the difference between its current intrastate
17 switched access rates and its current interstate switched
18 access rates. The second reduction must be made no later
19 than one year after the first reduction, and the Electing
20 Provider must reduce its then current intrastate switched
21 access rates by an amount equal to 41% of the difference
22 between its then current intrastate switched access rates
23 and its then current interstate switched access rates. The
24 third reduction must be made no later than one year after
25 the second reduction, and the Electing Provider must
26 reduce its then current intrastate switched access rates

1 by an amount equal to 50% of the difference between its
2 then current intrastate switched access rate and its then
3 current interstate switched access rates. The fourth
4 reduction must be made on or before June 30, 2013, and the
5 Electing Provider must reduce its intrastate switched
6 access rate to mirror its then current interstate switched
7 access rates and rate structure. Following the fourth
8 reduction, each Electing Provider must continue to set its
9 intrastate switched access rates to mirror its interstate
10 switched access rates and rate structure. For purposes of
11 this subsection, the rate for intrastate switched access
12 service means the composite, per-minute rate for that
13 service, including all applicable fixed and
14 traffic-sensitive charges, including, but not limited to,
15 carrier common line charges.

16 (2) Nothing in paragraph (1) of this subsection (g)
17 prohibits an Electing Provider from electing to offer
18 intrastate switched access service at rates lower than its
19 interstate switched access rates.

20 (3) The Commission shall have no authority to order an
21 Electing Provider to set its rates for intrastate switched
22 access at a level lower than its interstate switched
23 access rates.

24 (4) The Commission's authority under this subsection
25 (g) shall only apply to Electing Providers under Market
26 Regulation. The Commission's authority over switched

1 access services for all other carriers is retained under
2 Section 13-900.2 of this Act.

3 (h) Safety of service equipment and facilities.

4 (1) An Electing Provider shall furnish, provide, and
5 maintain such service instrumentalities, equipment, and
6 facilities as shall promote the safety, health, comfort,
7 and convenience of its patrons, employees, and public and
8 as shall be in all respects adequate, reliable, and
9 efficient without discrimination or delay. Every Electing
10 Provider shall provide service and facilities that are in
11 all respects environmentally safe.

12 (2) The Commission is authorized to conduct an
13 investigation of any Electing Provider or part thereof.
14 The investigation may examine the reasonableness,
15 prudence, or efficiency of any aspect of the Electing
16 Provider's operations or functions that may affect the
17 adequacy, safety, efficiency, or reliability of
18 telecommunications service. The Commission may conduct or
19 order an investigation only when it has reasonable grounds
20 to believe that the investigation is necessary to assure
21 that the Electing Provider is providing adequate,
22 efficient, reliable, and safe service. The Commission
23 shall, before initiating any such investigation, issue an
24 order describing the grounds for the investigation and the
25 appropriate scope and nature of the investigation, which
26 shall be reasonably related to the grounds relied upon by

1 the Commission in its order.

2 (i) (Blank).

3 (j) Application of Article VII. The provisions of Sections
4 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
5 applicable to an Electing Provider offering or providing
6 retail telecommunications service, and the Commission's
7 regulation thereof, except that (1) the approval of contracts
8 and arrangements with affiliated interests required by
9 paragraph (3) of Section 7-101 shall not apply to such
10 telecommunications carriers provided that, except as provided
11 in item (2), those contracts and arrangements shall be filed
12 with the Commission; (2) affiliated interest contracts or
13 arrangements entered into by such telecommunications carriers
14 where the increased obligation thereunder does not exceed the
15 lesser of \$5,000,000 or 5% of such carrier's prior annual
16 revenue from noncompetitive services are not required to be
17 filed with the Commission; and (3) any consent and approval of
18 the Commission required by Section 7-102 is not required for
19 the sale, lease, assignment, or transfer by any Electing
20 Provider of any property that is not necessary or useful in the
21 performance of its duties to the public.

22 (k) Notwithstanding other provisions of this Section, the
23 Commission retains its existing authority to enforce the
24 provisions, conditions, and requirements of the following
25 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
26 ~~13-301.1~~, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,

1 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
2 13-404.2, 13-405, 13-406, 13-501, 13-501.5, 13-503, 13-505,
3 13-509, 13-510, 13-512, 13-513, 13-514, 13-515, 13-516,
4 13-519, 13-702, 13-703, 13-704, 13-705, 13-706, 13-707,
5 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900, 13-900.1,
6 13-900.2, 13-901, 13-902, and 13-903, which are fully and
7 equally applicable to Electing Providers and to
8 telecommunications carriers providing retail
9 telecommunications service classified as competitive pursuant
10 to Section 13-502 or subdivision (c)(5) of this Section
11 subject to the provisions of this Section. On the effective
12 date of this amendatory Act of the 98th General Assembly, the
13 following Sections of this Article shall cease to apply to
14 Electing Providers and to telecommunications carriers
15 providing retail telecommunications service classified as
16 competitive pursuant to Section 13-502 or subdivision (c)(5)
17 of this Section: 13-302, 13-405.1, 13-502, 13-502.5, 13-504,
18 13-505.2, 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1,
19 13-507, 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601,
20 13-701, and 13-712.

21 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17;
22 100-840, eff. 8-13-18.)

23 (220 ILCS 5/13-301.1 rep.)

24 Section 10. The Public Utilities Act is amended by
25 repealing Section 13-301.1.